

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

ORIGINAL

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re)	
)	
Amendment of § 73.202(b),)	MM Docket No. 94-125
Table of Allotments,)	RM-8534 and RM-_____
FM Broadcast Stations)	
(Fredericksburg, Helotes and)	
Castroville, Texas))	DOCKET FILE COPY ORIGINAL

To: The Acting Chief, Allocations Branch,
Mass Media Bureau

REPLY COMMENTS

October Communications Group, Inc. ("OCG"), the licensee of radio station KONO-FM, hereby files its Reply Comments in this proceeding.

1. On December 29, 1994, OCG filed its Comments on and advanced a Contingent Counterproposal to the Notice of Proposed Rule Making, DA 94-1202 (released November 7, 1994). OCG reiterated its request, expressed in its initial Petition for Rule Making, to relicense KONO-FM from Fredericksburg, Texas to Helotes, Texas. OCG's Comments provided additional evidence that: Helotes fully deserves a restored first

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local service; that Fredericksburg will continue to receive ample transmission service from other broadcast outlets; and that OCG's proposal fully comports with the Commission's standards for relicensing an FM station from one community to another.

2. The Commission's docket history for this rule making indicates that only OCG has filed Comments. It is thus uncontroverted that relicensing KONO-FM to Helotes would serve the public interest, convenience, and necessity. That action will create a preferential rearrangement of allotments and enhance "... a fair, efficient, and equitable distribution of radio service [among the several States and communities]." 47 U.S.C. § 307(b). The staff should thus promptly issue a Report and Order granting OCG's Petition for Rule Making, relicensing KONO-FM to Helotes, and terminating this proceeding.

3. OCG's Comments expressed OCG's full commitment to relicensing KONO-FM to Helotes. OCG also advanced a Contingent Counterproposal -- to relicense KONO-FM to the community of Castroville, Texas -- for consideration only if the staff would not relicense KONO-FM to Helotes. OCG showed that Castroville has many civic attributes, and similar, immediate needs for transmission service as Helotes.

4. The FCC traditionally gives public notice of Counterproposals and solicits Reply Comments thereto. In this case, a solicitation of Reply Comments has not yet issued. Nonetheless, for the record, OCG reiterates its desire to fill the present, unmet need for local service at Helotes (or, should the staff deny OCG's original proposal, at Castroville) as soon as possible. OCG thus intends, upon the grant of either OCG's Helotes proposal or OCG's contingent Castroville Counterproposal, to promptly apply for a construction permit specifying the new community. OCG intends to then promptly implement the resulting construction permit, to operate, and to seek a license for the improved KONO-FM facility.

5. OCG's Comments included facsimiles of Exhibits A, B, and C, the Declarations, respectively, of John Furr, OCG's technical consultant, L.C. Cott, the City Manager of Helotes, and of John W. Barger, OCG's President. We tender herewith the originals of those documents.

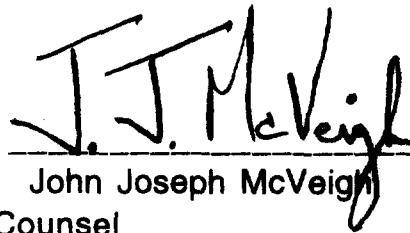
CONCLUSION

For the reasons stated, the staff should promptly relicense KONO-FM to Helotes or to Castroville as OCG has proposed.

Respectfully submitted,

OCTOBER COMMUNICATIONS GROUP, INC.

By

A handwritten signature in black ink, appearing to read "J. J. McVeigh", is written over a horizontal line.

John Joseph McVeigh
Its Counsel

Multinational Legal Services, P.C.
11 Dupont Circle, Suite 700
Washington, D.C. 20036
(202) 797-7124

Date: January 13, 1995

EXHIBIT A

TECHNICAL NARRATIVE

This technical showing is prepared to support October Communications Group, Inc.'s request to change city of license of KONO-FM from Fredericksburg, Texas to Helotes, Texas as given in MM Docket 94-125 (RM-8534).

Exhibit A-1 demonstrates that KNAF's 910 kHz operations serves the entire city of Fredericksburg, Texas both day (5 mV/m) and nighttime (interference-free). The nighttime interference-free level of 13.4 mV/m was determined by 50% exclusion with the sole contributor of KXEB (910 kHz) in Sherman, Texas.

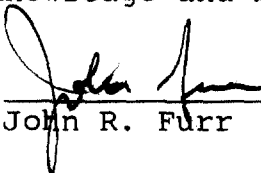
Exhibit A-2 shows the current authorized (licensed) 60 dBu service over San Antonio and that the entire city limits is covered (indicated by dashed line). The allocation maximum contour distance for a Class C is 91.8 km and is shown as the solid line with increased coverage.

Exhibit A-3 shows the five FM aural services providing 60 dBu service to Fredericksburg, Texas. There were 13 AM stations which also served Fredericksburg with 0.5 mV/m or greater (including KNAF shown in Exhibit A-1). This demonstrates that Fredericksburg is well served with five or more aural services.

Exhibit A-4 verifies the contingent counterproposal. From the licensed (reference) coordinates, the 70 dBu contour (67.7 km) serves the entire city of Castroville, Texas.

My qualifications area matter of record with the FCC. The above information and attached exhibits of Exhibit A are true and correct according to my knowledge and belief.

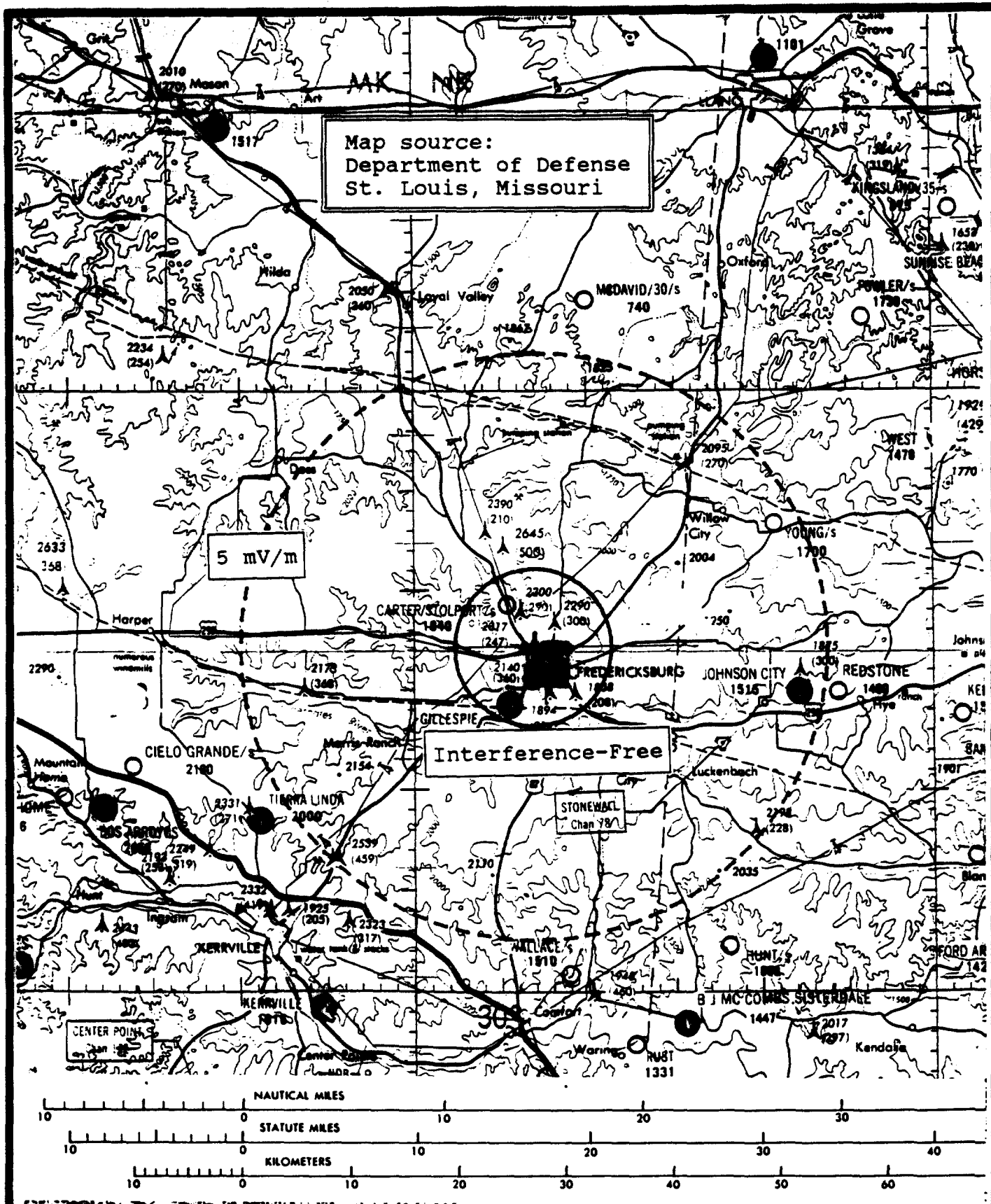
December 29, 1994


John R. Furr

JF&A

NARRATIVE

KONO-FM
HELOTES, TX



JF&A
COMMUNICATIONS
CONSULTANTS

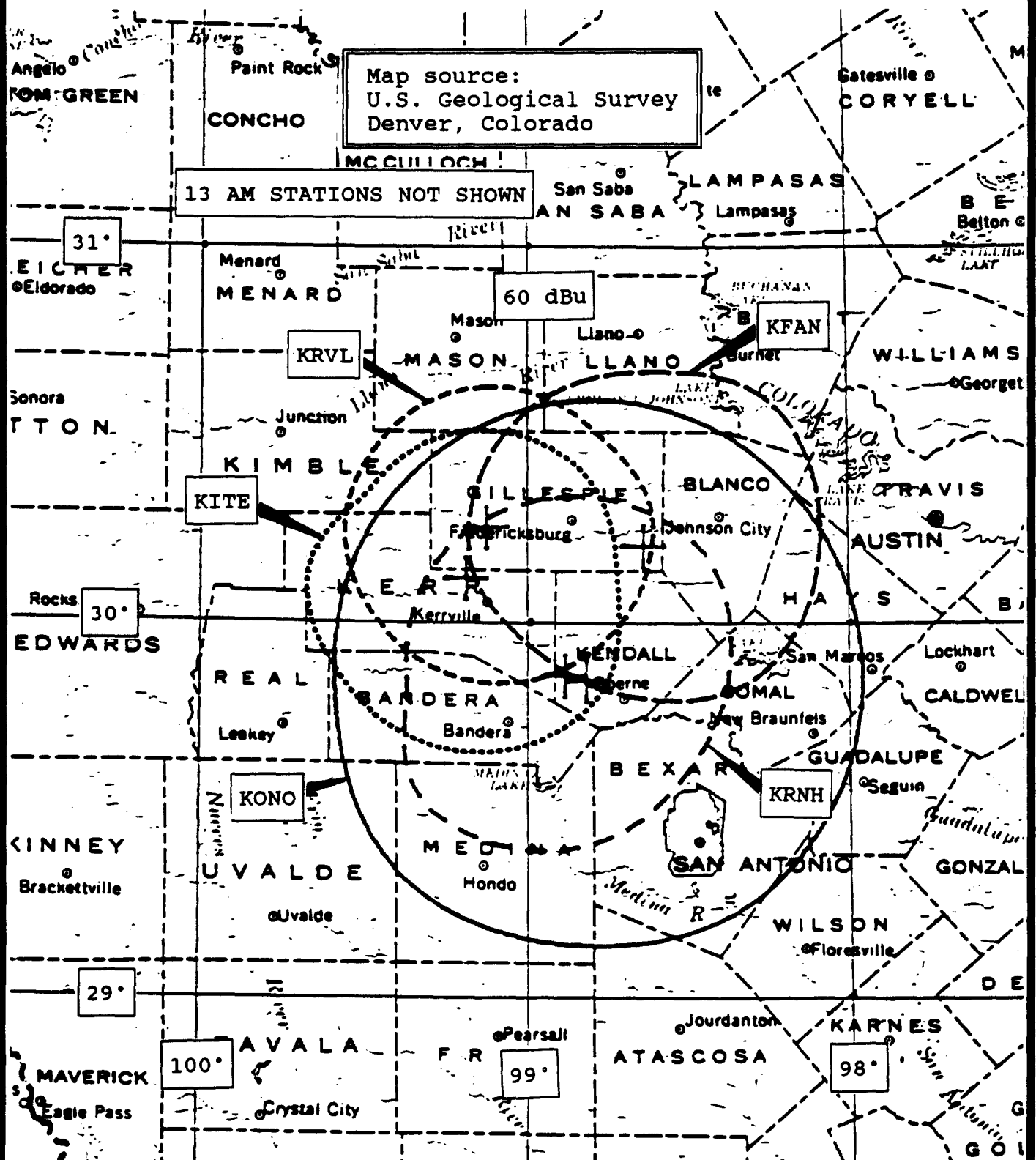
KNAF DAY AND NIGHT CONTOURS

KONO-FM
HELOTES, TX
EXHIBIT A-1



KONO-FM
HELOTES, TX
EXHIBIT A-2

25 0 25 50 75 100 125 150 175 200 KILOMETERS

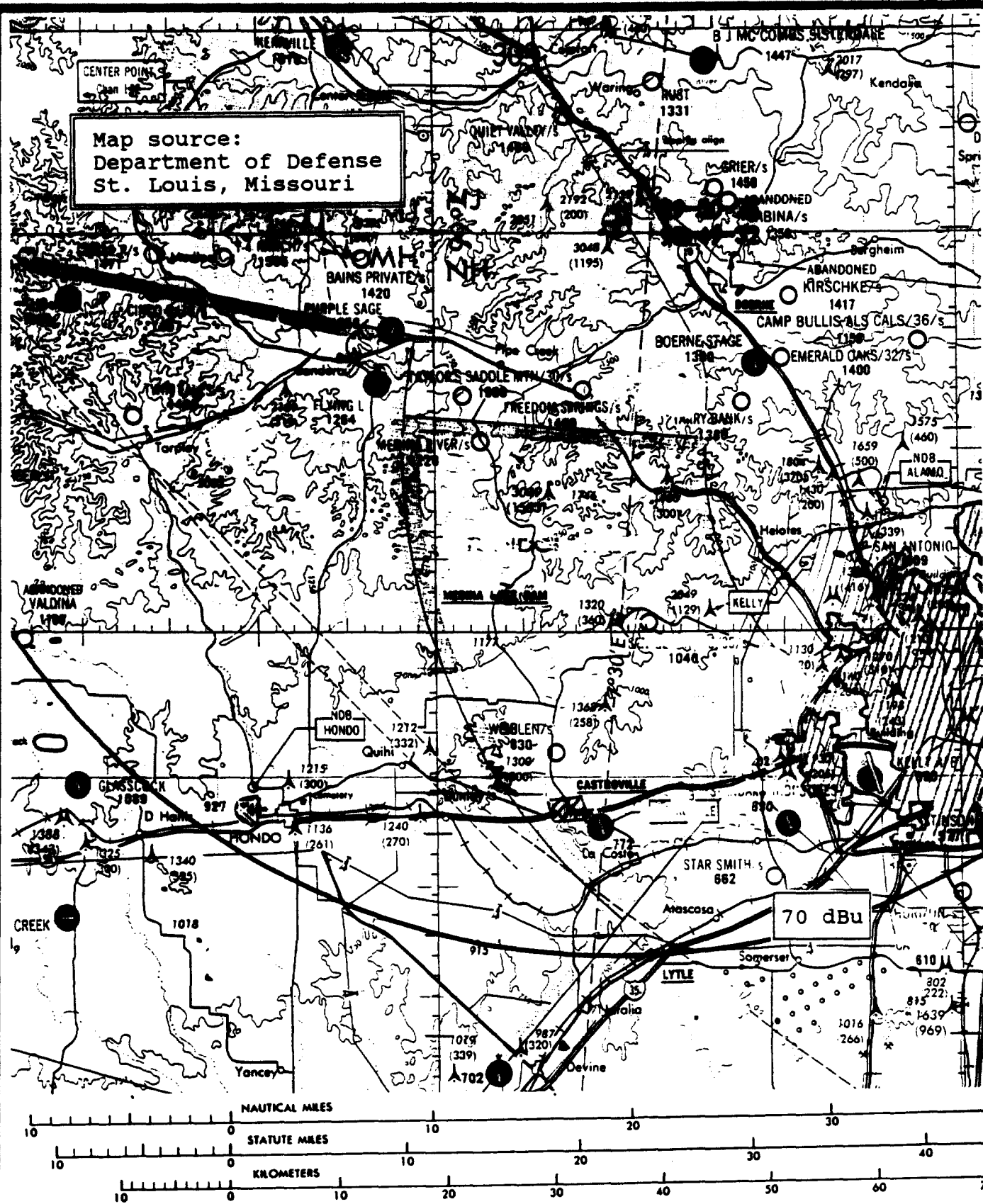


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COMMUNICATIONS
CONSULTANTS

AURAL SERVICES OVER FREDICKSBURG

KONO-FM
HELOTES, TX
EXHIBIT A-3

Map source:
Department of Defense
St. Louis, Missouri



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ALLOCATION 70 DBU OVER CASTROVILLE

KONO-FM
HELOTES, TX
EXHIBIT A-4

EXHIBIT B

DECLARATION OF L.J. COTT

I, L.J. Cott, offer the following Declaration of facts.

1. I am the City Manager of Helotes. I have held that position for the last six years. Helotes has been incorporated since 1981 and has its own elected government, including a Mayor and five-member City Council. Helotes provides its own Police and Fire protection, and has a wide array of businesses, places of worship, and chapters of nonprofit social and community-service groups. The town is also home to John Floore's Country Store, a country-music dance and music hall renowned as the site of Willie Nelson's first public performance. Floore's can accommodate a total of about 1500 both inside and outside, more than the total population of Helotes. Many outsiders thus come to Helotes for entertainment.

2. Many people from elsewhere also attend the four-day annual Helotes Cornyval, held on fairgrounds owned by the 21-member Helotes Festival Association. Cornyval can draw upwards 100,000 visitors each Spring to enjoy a parade, a rodeo, musical performances, food booths, and crafts displays. The Helotes Optimist Club's Classy Chassis Car Show can also draw several thousand visitors one day in each September.

3. The people of Helotes definitely consider the town a community separate and apart from San Antonio. Southwestern Bell, the "Baby Bell" company which provides telephone service, publishes a separate Helotes telephone directory. Helotes has its own Post Office and zip code (78023), and the Postal Service intends to build a larger facility here by the end of May 1995. We have our own weekly newspaper, The Echo, which also enjoys circulation in the neighboring communities of Grey Forest and Leon Valley. Many local businesses advertise in The Echo because they are priced out of San Antonio media outlets. The City Government uses The Echo for all official notices. San Antonio media do not regularly provide good editorial coverage of the issues and problems facing Helotes.

4. Helotes has its own City Hall and taxing authority. The local government has exercised that authority and has levied ad valorem taxes on real property and a tax on retail sales. The Helotes Historical Society operates a library on a volunteer basis. The Helotes Elementary School, inside Helotes and run by the Northside Independent School District, has an enrollment of about 500 and is operating at full capacity. The children

attending Helotes Elementary School live in Helotes and surrounding communities. Graduates of Helotes Elementary School attend Taft High School or Marshall High School, both of which are in San Antonio. VIA Metropolitan Transit, an area-wide public transportation authority which serves all of Bexar County (including Helotes), provides bus service.

5. Helotes formerly owned its own water system. Water now comes from the San Antonio Water System, a large water utility which bought the municipal facilities about 20 years ago. Electricity comes from San Antonio City Public Service. Grey Forest Utility Company, owned by the nearby community of Grey Forest, supplies natural gas to Helotes.

6. Helotes currently has a pediatric-care facility and a medical-supply outlet. A general-care outpatient medical clinic is scheduled to open next month. The Texas American Bank (formerly the Bank of Leon Springs) has its headquarters in Helotes and branches in Leon Springs and San Antonio. Most of Helotes's work force commutes elsewhere, especially to military bases in the San Antonio area.

Declaration of L.J. Cott
December 28, 1994
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The foregoing is true and correct to the best of my personal
knowledge, information, and belief, under penalty of perjury.

L.J. COTT

A handwritten signature in cursive script, appearing to read "L.J. Cott", written over a horizontal line.

Date: December 28, 1994

EXHIBIT C

Declaration of John W. Barger

The factual contents of the foregoing Comments and Contingent Counter-Proposal are true and correct to the best of my personal knowledge, information, and belief, under the penalty of Perjury.

A handwritten signature in black ink, appearing to read "John W. Barger", is written over a horizontal line.

John W. Barger

December 29, 1994